

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3403-01  
Bill No.: HB 1257  
Subject: Law Enforcement Officers and Agencies; Science and Technology  
Type: Original  
Date: January 29, 2002

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials from the **Department of Public Safety – State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts.

If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 01 average \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The following factors contribute to DOC's minimal assumption:

- ▶ DOC assumes the narrow scope of the crime will not encompass a large number of offenders; and
- ▶ The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.

The DOC does not anticipate the need for additional capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but the DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of Prosecution Services** assumes this legislation can be absorbed with existing funds for prosecutors.

Officials from the **Office of the State Courts Administrator (CTS)** state this proposed legislation would provide authority to combat technological crimes, and expand the definition of some crimes to include the use of technology. CTS assumes there may some increase in the number of cases filed, but would not anticipate a significant impact on the budget of the

judiciary.

ASSUMPTION (continued)

**Oversight** assumes that CTS could absorb any additional costs resulting from this proposal within their current budget constraints.

Officials from the **Office of the State Public Defender** assumes existing staff could provide representation for those cases arising where indigent persons were charged with knowingly causing a computer catastrophe, i.e. disabling a network via a computer virus. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of Attorney General (AGO)** did not respond to Oversight's request for fiscal note. However, in response to an identical proposal from the 2001 session (HB 246), officials from the AGO assumed that costs resulting from this proposal could be absorbed by their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would authorize the Attorney General to use all powers provided by law to

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investigate technological crimes, as defined in the proposal, including the ability to apply for search warrants and subpoena witnesses and other evidentiary materials. The proposal also would clarify that the offense of aggravated stalking would include credible threats made by DESCRIPTION (continued)

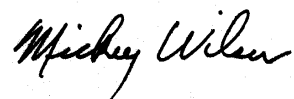
electronic communications, by telephone, or by posted messages publicly accessible via a computer. Finally, the proposal would expand the crime of causing a catastrophe to include the initiating of a computer virus and the modifying, destroying, damaging, or disabling of any computer network or program.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

#### SOURCES OF INFORMATION

Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Department of Corrections  
Department of Public Safety  
– State Highway Patrol

**NOT RESPONDING:**      **Office of Attorney General**



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January 29, 2002